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# **CABINET SUBMISSION GUIDELINES**



Ontario

Cabinet Office  
May 1994  
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## CABINET SUBMISSION GUIDELINES

A PRACTICAL GUIDE TO CABINET DECISION-MAKING  
AND CABINET SUBMISSION GUIDELINES

A. INTRODUCTION

The Cabinet Decision-Making Process

The Cabinet Decision-Making Process is a complex one, involving many steps and many people. It is a process that is designed to ensure that the Cabinet makes decisions in a fair and equitable manner, and that it is able to make decisions that are in the best interests of the Province of Ontario. The Cabinet Decision-Making Process is a process that is designed to ensure that the Cabinet makes decisions in a fair and equitable manner, and that it is able to make decisions that are in the best interests of the Province of Ontario.

B. CABINET DECISION-MAKING

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## **I INTRODUCTION**

Cabinet submissions are documents that help ministers make decisions about public policy. They can take any number of forms, and views as to the ideal form, as well as the ideal decision-making process, will vary from time to time and government to government. One constant, however, is the limited time available to Cabinet ministers to analyze a wide variety of issues of public importance. Our challenge, as public servants, is to prepare material which clearly and concisely outlines the options and implications of a decision. The more understandable the material, the greater the likelihood that there will be an informed discussion and the greater the potential for a higher quality of decision-making.

The attached guidelines have been prepared with this objective in mind. We hope that you will find them useful in the day to day work that goes into developing good public policy.

## II CABINET DECISION-MAKING

Cabinet is the ultimate policy-setting body in government. It is composed of the Premier and all Ministers with portfolio and normally meets once a week.

In order for Cabinet to make the most effective use of its time, issues that come before it are reviewed in advance by one or more Cabinet Committees. This ensures that when issues are considered by Cabinet, all aspects have been thoroughly discussed and addressed, and contentious matters resolved where possible. Cabinet then has all of the necessary information at its disposal to make an informed decision.

The nature of the item determines the route that it must follow through the Cabinet decision-making process. The determining factor is whether the item has policy implications.

The chart on page 8 sets out the Cabinet decision-making process **for any item that has policy implications**. In such cases, the issue is outlined and analyzed in a Cabinet submission, which is considered by a policy committee of Cabinet. If the submission has unbudgeted fiscal implications or public service or government operations implications, it is then considered by Treasury Board and/or Management Board respectively. All submissions, along with the recommendations of the committees that have considered it, then proceed to the Policy and Priorities Board, and from there, to Cabinet. If the item requires legislation and/or regulations, the draft legislation and/or regulations are then considered by the Legislation/Regulations Committee and then again by Cabinet.

The chart on page 9 sets out the Cabinet decision-making process **where an item does not have policy implications**. Items which have fiscal or public service or government operations implications usually proceed directly to Treasury Board and/or Management Board and then to Cabinet, unless they are regulations, in which case (after review by Treasury Board and/or Management Board) they proceed to the Legislation/Regulations Committee before being considered by Cabinet. Regulations without policy, fiscal or public service or government operations implications proceed directly from the Ministry concerned to the Legislation/Regulations Committee, and then to Cabinet.

A brief description of each of the components of the Cabinet decision-making process is set out below.

### A. The Policy Committees of Cabinet

There are four policy committees and two policy sub-committees of Cabinet:

- **The Cabinet Committee on Economic Development (CCED).** Cabinet submissions dealing with economic issues, financial institutions, training, finance, certain transportation issues, certain consumer and commercial relations issues, certain northern development and mines issues, pay equity, pensions, certain culture, tourism and recreation issues, trade and labour issues are normally considered by this committee;



- **The Sub-Committee on Industrial Assistance** is a specialized sub-committee of CCED which normally deals with Cabinet submissions concerning private sector requests for government assistance;
- **The Cabinet Committee on Environment Policy (CCEP).** Cabinet submissions dealing with environmental, municipal, natural resources, energy, agriculture and food, culture, tourism and recreation, northern development and mines, land use planning, green workplace program issues and certain transportation issues are normally considered by this committee;
- **The Cabinet Committee on Social Policy (CCSP).** Cabinet submissions dealing with health, education, francophone affairs, housing, advocacy, immigration, certain recreation issues, long-term care and community and social services issues are normally considered by this committee;
- **The Cabinet Committee on Justice (CCJ).** Cabinet submissions dealing with attorney general, aboriginal, solicitor general and corrections, citizenship, women's, anti-racism, employment equity issues and certain consumer and commercial relations issues are normally considered by this committee;
- **The Cabinet Sub-Committee on Aboriginal Issues** is a sub-committee of CCJ which normally deals with Cabinet submissions concerning aboriginal issues.

In addition to these committees, new Cabinet committees may be created to deal with a particular priority area, on a short or long term basis (e.g. Jobs Committee of Cabinet).

The policy committees allow Ministers and staff with related responsibilities to discuss issues thoroughly and to resolve outstanding contentious issues. Membership on policy committees includes Ministers with responsibilities in the policy field dealt with by the committee. Deputy Ministers also attend and participate in discussions. Where issues are discussed that affect ministries that are not members of the particular committee, the Minister and Deputy Minister of the ministry concerned are invited by Cabinet Office to attend and participate in the discussion.

The policy committees deal primarily with policy priorities of Government, as directed by Cabinet. They also deal with emerging policy issues or major program changes identified by Ministries. Each policy committee has at least one Policy and Priorities Board member on it to increase linkages and to provide a corporate perspective to each committee. The policy committees deal with issues relevant to their policy field, even if they do not fall within the portfolio of their member ministries. For example, a Housing submission relating to the Charter of Rights will be considered at CCJ, not CCSP, with the affected ministries invited.

Policy committees do not make final decisions, but rather produce a report, with recommendations, which is reviewed by the Policy and Priorities Board and Cabinet. Policy committees generally meet once every three weeks.

## **B. Treasury Board (TB)**

Treasury Board is responsible for the allocation and management of the financial resources of the province, in support of the Government's fiscal priorities. Treasury Board is also responsible for multi-year financial planning and the control of expenditures within amounts appropriated by the Legislature. It is chaired by the Minister of Finance and consists solely of ministers. Membership is not based on portfolio.

Treasury Board generally meets every two weeks. It considers all proposals, including Cabinet submissions which have received policy committee approval and which have been referred to it because they contain unbudgeted financial implications. It also considers ministry requests for accommodation, additional fiscal resources or the reallocation of existing resources, and Orders in Council and regulations that have financial implications.

Treasury Board Division staff make recommendations to the Board on individual items.

Treasury Board recommendations for Cabinet submissions are referred to the Policy and Priorities Board. Treasury Board minutes its decisions for financial items without policy implications, and for Orders in Council and regulations, and submits them directly to Cabinet for ratification.

## **C. Management Board of Cabinet (MBC)**

Management Board of Cabinet (MBC) is mandated to provide strategic leadership on the management of the public service and the operations of government, in support of effective public service.

Within this context, MBC manages the issues between the government as employer and public sector employees and their bargaining agents, including issues of compensation and benefits. It also approves organization and workforce strategies for the public service, establishes, prescribes or regulates human resource management and administrative policies through directives and guidelines, approves information technology procurement over \$1 million and projects with "government as model user" implications, approves the creation of scheduled agencies, boards or commissions (ABCs), and approves land transfers for less than market value.

Management Board generally meets every two weeks. It considers all policy submissions which have received policy committee approval and which have been referred to it because they contain implications for the public service or government operations. The Board also considers submissions from ministries (MB-20s) as required by legislation or directives, and submissions on corporate policy issues referred by Policy and Priorities Board or from the Management Board Secretariat (MBS), which provides support to the Board.

Management Board is led by the Chair of Management Board, who is the Minister responsible for the Board, and consists solely of ministers. Membership is not based on portfolio.

MBS staff generally make presentations to the Board on each issue. The Minister and Deputy Minister of the affected ministry may be invited by MBS to attend and participate in the discussion.

MBC prepares a report, with approvals or recommendations, on the items it considers. If an item has policy implications it may be referred to Policy and Priorities Board. If an item has no policy implications, the report goes directly to Cabinet. If an item has financial implications, the item is referred to Treasury Board. If an item deals with a regulation, the item is referred to the Legislation/Regulations Committee.

#### **D. Policy and Priorities Board (P&P)**

The Policy and Priorities Board is primarily responsible for setting overall government policy and priorities, and reviewing the government's fiscal framework. It reviews the recommendations submitted by policy committees in light of any recommendations from Treasury Board and/or Management Board and in the context of overall Government priorities, and makes a recommendation to Cabinet.

P&P generally meets three times per month, and consists of the Premier and selected ministers. Membership is not based on portfolio. Items that are considered by P&P are divided into three categories:

- **Delegated items:** Items that have been reviewed by a policy committee which are straightforward and where there is clear consensus on the recommendations.
- **Category A:** Items that have been reviewed by a policy committee which are relatively straightforward, although some discussion by P&P ministers is needed.
- **Category B:** Items that have not been reviewed by a policy committee (for example, due to urgency) or that are complex, with significant political or policy implications.

Cabinet Office staff introduce each agenda item and highlight the critical issues.

For **delegated items**, there is no ministry presentation and the ministry will usually not be invited to attend.

For **Category A items**, there is no ministry presentation, but the sponsoring ministry will be asked for any comments after the introduction of the item by Cabinet Office staff. The sponsoring Minister, Deputy Minister (or delegate), one member of the Minister's staff, and one other staff person will be invited to attend. Cabinet Office may also invite ministries with a substantial interest in the item. Attendance by those ministries can include the Minister, Deputy Minister (or delegate) and one member of the Minister's staff.

For **Category B items**, there is usually a short presentation by the sponsoring ministry after the introduction by Cabinet Office staff. Attendance is the same as for Category A items.

#### **E. Cabinet Committee on Legislation/Regulations ("Leg and Regs")**

The Cabinet Committee on Legislation/Regulations ("Leg and Regs") considers both draft legislation and regulations. The policy issues in draft legislation are first reviewed through the



Cabinet policy committee process, with Cabinet making the final decision. Drafting instructions are then provided by the relevant ministry to the Office of Legislative Counsel, with the final draft bill referred to Leg and Regs. The Committee reviews the draft to ensure that it reflects the policy approved by Cabinet and is technically correct.

Regulations are developed by ministries in concert with the Office of Legislative Counsel. (More details on how to prepare proposed legislation and regulations can be found in Appendix IV.) If policy issues are involved, the policy in the regulations must first be reviewed through the Cabinet policy committee process, with Cabinet making the final decision. Regulations are then developed and submitted to the Committee for consideration. The Committee reviews the regulation to ensure that it reflects the policy approved by Cabinet and is technically correct.

Regulations which do not have policy implications can proceed directly to the Committee, unless they have financial/operational implications, in which case they must first be reviewed by Treasury Board and/or Management Board (see chart on page 9). The Committee reviews the regulations to ensure they are technically correct.

The Committee generally meets every two or three weeks and consists of Ministers, Caucus members and Parliamentary Assistants. Ministry counsel and staff are invited to attend the discussion of their item and are expected to make a presentation and to answer questions. Representatives of the Office of Legislative Counsel are present to provide technical advice to the Committee. The Committee then makes recommendations to Cabinet for final approval of the draft legislation or regulations.

The Committee also reviews and makes recommendations to Cabinet on Petitions to the Lieutenant Governor in Council. A Petition is a statutory appeal of a decision of certain boards and tribunals that exists as an alternative to a judicial review or appeal. There are a number of statutes which provide for a Petition to Cabinet. When the Committee considers Petitions to Cabinet, a lawyer from the Crown Law Office, Civil, in the Ministry of the Attorney General acts as counsel to the Committee. Cabinet's decision on petitions is implemented by Order in Council.

## **F. Cabinet**

Cabinet is composed of the Premier and all Ministers with portfolio. It considers the recommendations of the Policy and Priorities Board and makes final decisions. Cabinet also considers the minutes of Treasury Board and Management Board and confirms them, or makes final decisions, as appropriate. It makes decisions on legislation, regulations and Petitions to Cabinet, based on the recommendations of the Cabinet Committee on Legislation/Regulations.

Cabinet also considers Orders in Council which are provided for by a number of statutes. Among other things, Orders in Council are used to make appointments to agencies, boards and commissions, proclaim acts, grant timber licences, and transfer parcels of provincially-owned land.

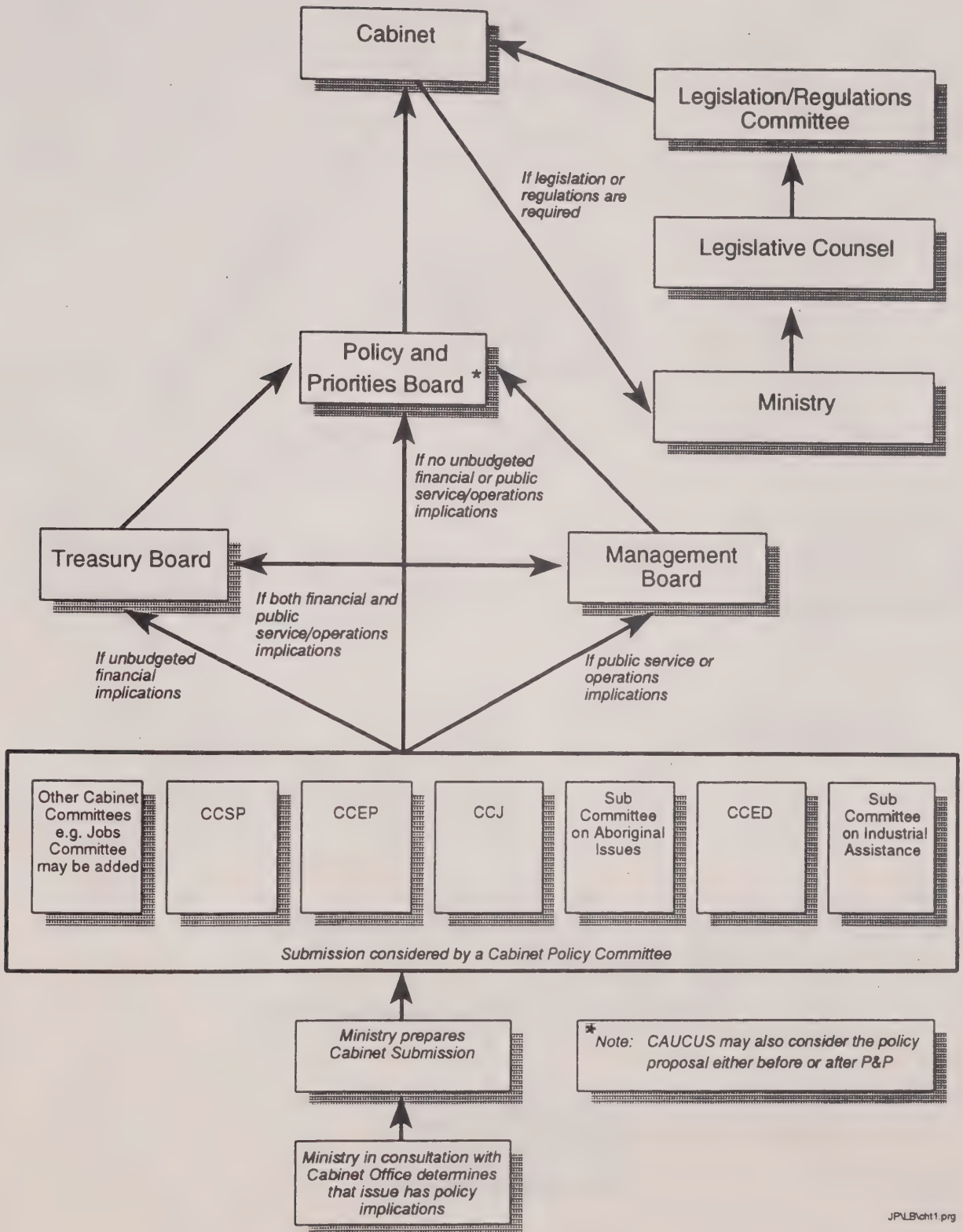
Cabinet generally meets once a week. Ministry officials are rarely invited to attend. Cabinet decisions are set out in Cabinet Minutes, which are provided to the Ministers and Deputy Ministers directly affected by the decision. The Cabinet Minute is the record of government decisions and is signed by the Secretary of Cabinet.

## **G.     Caucus**

Major policy proposals, and any proposals that involve legislation, are usually discussed at Caucus (which consists of all MPPs of the governing political party), prior to Cabinet. As a result of those discussions, Cabinet may decide to review its decisions and look at other options for dealing with particular issues. This may result in the matter being referred back to a Cabinet policy committee for further work.



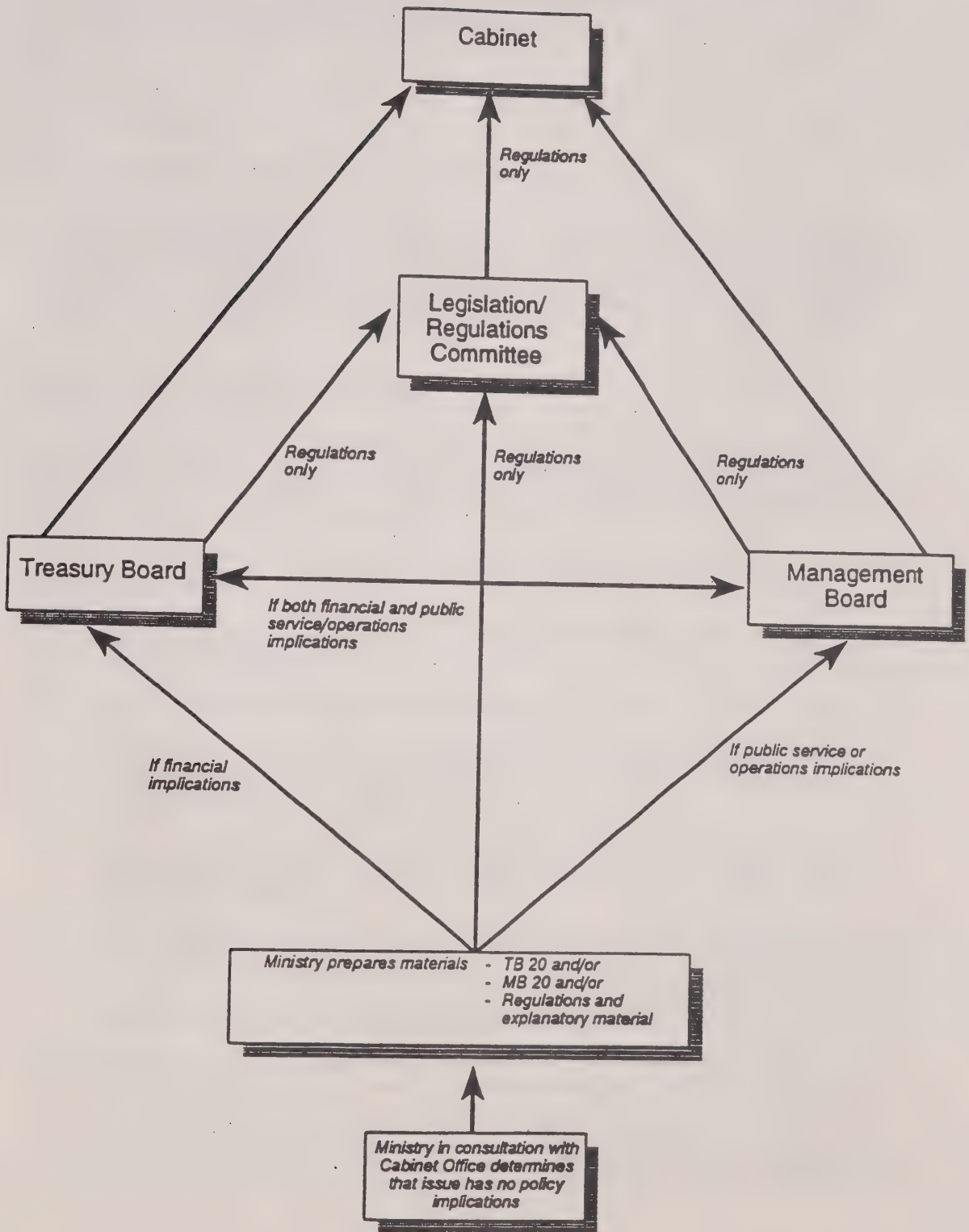
# Issues With Policy Implications







# Issues Without Policy Implications





### III A PRACTICAL GUIDE TO CABINET SUBMISSIONS AND CABINET COMMITTEE MEETINGS

#### A. OVERVIEW

##### What is a Cabinet submission?

A Cabinet submission is the decision-making document used by Ministers to outline proposals for a policy or program decision which they would like Cabinet to approve. Cabinet submissions are used exclusively for the purpose of giving advice to Cabinet and therefore are exempt from public release under the Freedom of Information and Protection of Privacy Act. Cabinet submissions, discussions and decisions must be kept confidential.

##### When is a Cabinet submission required?

As a general rule, a Cabinet submission is required wherever a policy or program decision exceeds the authority of a single Minister and Deputy (see Appendix III - Cabinet Government: Roles and Responsibilities) -- with the exception of special areas such as Order in Council appointments, for which there is a separate decision-making and documentation process.

If the answer to one or more of the following questions is "yes", then you probably need to prepare a Cabinet submission:

- Are you seeking to create a new government program or substantially expand, eliminate or alter an existing program?
- Are you proposing to introduce new legislation or make amendments to existing legislation?
- Are you proposing to introduce new regulations or amend existing regulations in a way that will significantly alter or impact on existing procedures and policies? (Consider impacts on other Ministries too.)
- Are you proposing to introduce a new government policy or position on an issue where none existed before? Are you changing a position which has been previously stated as a government policy or position?
- Are you responding to a request from Cabinet to develop a priority response to a public policy issue of a strategic or urgent nature?
- Are you considering undertaking significant public consultation?

Before proceeding to prepare a Cabinet submission, Ministries should always consult with their Cabinet Office policy advisor to make sure that a Cabinet submission is the appropriate vehicle for the approval being sought. In some cases **policy approval** may not be necessary. It may be more appropriate to proceed directly to Treasury Board (for expenditure approvals), Management Board (for approvals relating to workforce or government organization), or Legislation/Regulations Committee. Examples of such instances could include: approval for increases to existing fees,



operational restructuring, regulatory changes of a minor nature (e.g. codifying long-standing administrative practices, correcting minor drafting errors, etc.).

### **When can other documents be used in place of a Cabinet submission at Cabinet or at a Cabinet policy committee?**

**Where a decision is not being sought**, other documents may be used in place of a Cabinet submission. The most common instances are:

- **Information Items** - where a Minister wishes to alert or advise Cabinet about an issue that is of key government interest. There is no standard format for material for information items. Often the material is presented in the form of a memo or briefing note but the key is to keep the material **very clear and brief**.
- **Implementation Reports** - are used by Cabinet as a means of monitoring the progress being made in implementing strategic government priorities or major "management issues" in the months following policy approval. These are brief reports setting out the status of the initiatives, tangible results to date, and any implementation issues.
- In certain rare cases, where a Ministry is seeking direction on a focused, strategic issue, the item may be presented to a Cabinet Committee verbally or using brief material such as a memo from the Minister.

### **What does a Cabinet submission look like?**

A Cabinet submission consists of three parts: the "pro forma" containing the summary of the Proposal and Recommendations; the Analysis and Policy Options section containing supporting documentation for decision-making; and any appendices.

#### **1) Proposal and Recommendations (Pro Forma)**

This is a four-page (including the title page) standard form containing specific headings which acts as the executive summary of the information essential for decision-making, including financial and public service workforce implications.

#### **2) Analysis and Policy Options**

This section should be **no more than fifteen pages in length** and should contain the supporting analysis carried out by the sponsoring ministry in developing the proposal and recommendations. It should contain a concise, balanced and objective statement of the issue, background, realistic options, implications of the recommended approach, the communications strategy and next steps. It is often useful to include a Table of Contents at the beginning of this section.

#### **3) Appendices**

Additional information, including the communications plan, which is too detailed or technical to be included in the body of the submission, may be included in an appendix.

## **B. DRAFTING A CABINET SUBMISSION**

### **General**

Ministers have limited time to review and absorb information contained in Cabinet submissions. Therefore, the Cabinet submission must be written in a concise and clear way that:

- uses plain, everyday language and avoids jargon, acronyms and technical terms;
- focuses on the key issues for decision, avoiding digressions; and
- contains the **essential** information for decision-making presented in an objective manner (i.e., full, true and plain disclosure of the issue, reasons behind the need for a change in policy direction, realistic options and evaluation of those options and an accurate statement of the anticipated impact of the proposed direction).

### **Part I: Proposal and Recommendations - Pro Forma (See Appendix I for this form)**

#### **Title Page**

The submission title should be brief but clearly identify the subject of the decision. It should be consistent with the title used in any previous submissions on the same issue.

It should identify the ministry or ministries sponsoring the Cabinet submission. The sponsoring Minister(s) and Deputy Minister(s) will be required to sign the Cabinet submission as proof of their endorsement of the proposals set out in the document (see below).

Indicate the date of the Cabinet submission and whether this is a revised version of a previous submission (e.g., where a policy committee has sent a proposal back for changes or more work). If so, the date and, if changed, title of the earlier submission should be indicated.

#### **Key Issue**

The issue statement is the definition of the decision being sought. Is this a problem to be solved or is direction being sought on the continuing implementation of a policy priority? The issue should be described as specifically as possible. In some cases, there may be more than one key issue.

Starting with "whether to..." or "whether and how to..." can be helpful.

Ministers should be able to refer back to this section to see whether the recommended solution will solve the problem identified.

## **Background**

Describe how and why this issue has arisen. Why is this issue a problem? Why does the government need to take action now? Identify the events and causes which have led to the present situation. Where possible, identify who is involved and what their views are. Note any current government policies or programs and why they are not effective to address the issue. Describe past commitments or understandings which may have arisen.

## **Proposed Direction**

This section describes what the sponsoring Minister is proposing to do about the key issue. Summarize the recommendations and explain what is expected to be accomplished by implementing them. Indicate whether the sponsoring Ministry is seeking approval, approval in principle, or direction on the issue. Is the Ministry seeking approval to consult on possible changes or approval to proceed to announce and implement changes? This section should summarize the essential points of the specific recommendations listed in the Conclusions and Recommendations section.

If the proposal relates to the government's priority agenda, indicate how it advances the particular strategic priority (e.g., Aboriginal self-government). Explain how the proposal will address long-term as well as short-term objectives.

The description of the proposal in this section should be consistent with the description of the recommended option(s) in the Analysis and Policy Options section. It is helpful to indicate the number of the Option being recommended to facilitate cross-referencing.

## **Expected Impact**

This section describes the impact of the proposed direction. It is not intended to provide the overall pros and cons of the recommended approach but rather a clear statement of who will benefit, who will be dissatisfied, and how the proposed direction may affect relations with these individuals or groups.

For individuals or groups that will not be satisfied, their proposals and anticipated concerns should be identified.

## **Alternatives Considered**

This section is intended to permit Ministers to see what options were considered but not selected. Explanations as to why they were not selected are to be provided in the Analysis and Policy Options section of the submission. This section should only identify the realistic, major alternatives.

## **Assumptions**

In developing any program or policy, the sponsoring Ministry makes a number of decisions regarding the scope of the issue, the type of alternatives to be considered and the timing for implementation. These assumptions should be articulated in this section to make explicit the "environment" or context within which policy development and decision-making is taking place.

This section should include any assumptions related to the key issue, such as: interpretation of government directions; understandings of priorities; principles; continuation of existing policies or programs; structural, organizational or financial assumptions; and assumptions with respect to views of groups.

## **Related Concerns**

Include in this section any key factors which bear on the decision but which have not been covered in the previous sections. For example: other major issues affecting the decision at hand; recommendations of task forces or committees on the issue; recent or pending court decisions; positions taken or statements made by the government or opposition parties; timing pressures; positions of interested parties within or outside the government; federal or municipal concerns.

## **Financial Implications and Workforce Implications**

The purpose in this section is to alert Ministers to the fact that the proposal may involve a revenue, expenditure or workforce increase or decrease. It is not intended to substitute for Treasury Board or Management Board submissions. The intent is to provide a "snap shot" of the impact of the proposed direction on public resources to assist in the decision-making process. If the proposed direction involves major resource implications (e.g., creation of a new agency or program), it is helpful to provide a more detailed breakdown of anticipated expenditure and resource implications in an appendix to the submission.

Where the proposal requires new funds or a reallocation of existing expenditures, the item will be referred to Treasury Board for review once the policy committee has agreed to recommend the proposed policy direction to Policy and Priorities Board of Cabinet. The same routing process applies to proposals involving multi-year or future year expenditure increases. Proposals involving major workforce implications will be referred to Management Board for review after the item has been considered by the policy committee. Ministry staff should consult with their Treasury Board, Management Board and Cabinet Office analysts for advice on routing and approvals.

Detailed instructions on how to complete this section can be found in Appendix II.

## **Consultation Record**

This section is intended to ensure that adequate interministerial consultation has taken place **before** the proposal is brought to Ministers for a decision. The purpose is to ensure that policy development takes place co-operatively with affected ministries prior to seeking a corporate decision



from Cabinet. The sponsoring ministry should circulate a draft Cabinet submission or discussion paper for review by affected ministries.

The consultation should include all ministries on the Cabinet Committee that will consider the item, other affected ministries, and Cabinet Office and other central agencies. Ministries should consult their Cabinet Office policy advisor for advice as to which ministries to consult, and who the relevant contacts are in each ministry.

To be meaningful and useful for Ministers, the consultation record must be completed prior to the submission being distributed formally to policy committee members. This means that interministerial consultation must take place **and be completed** in advance of the two-week circulation deadline for submitting Cabinet submissions to Cabinet Office.

The consultation record is only the final step in a process of consultation and negotiation which should begin long before the Cabinet submission is written. Ministry staff should be in regular contact with their colleagues to ensure that there is effective involvement in the development of Cabinet submissions. Sharing the expertise of ministries can often make the policy development process smoother and the final policy more effective.

The consultation record should reflect a Y or N - indicating either "official" (i.e. normally Ministerial or at least Deputy level) support or concerns on the part of the consulted ministries. Where an N is indicated, a brief explanation of the outstanding issues should be presented in the "Unresolved Concerns" section. The goal is to provide Ministers with a quick reference as to whether there has been adequate consultation with affected or interested ministries and to identify major outstanding corporate concerns from their Cabinet colleagues. Only substantive concerns should be noted under Unresolved Concerns. While it is expected that this section will normally remain blank, there may be times where differences between ministries on certain issues can only be resolved at the Cabinet table. The purpose of this section is to advise Ministers of such disagreements in preparation for their discussion of the issue.

Ministries should be given at least two weeks to respond to requests for input on Cabinet submission proposals. Ministries that are consulted are responsible for ensuring that they provide a response, either Y or N, with reasons as appropriate, within the two-week period. Complex issues may require more formalized and involved consultation processes (e.g., interministerial committees). Consultation meetings using draft Cabinet submissions are often a useful method of briefing staff on proposals and receiving initial input. Note that this two-week guideline applies to the period **prior to** when a Cabinet submission is signed off and sent to policy committee members by Cabinet Office (i.e., at least four weeks before the submission will be discussed by a policy committee). Consultation must be recent to be meaningful. Where significant changes have been made to earlier drafts of a Cabinet submission, ministries should be provided with the opportunity to revisit their earlier positions on the issue. Where a ministry has not responded to the request **by the end of the two-week consultation period**, it may be necessary to mark the consultation record box with an **X** to indicate consultation with no response.

## Legislation/Regulation Required

This section is intended to serve as a quick reference check for Ministers as to whether the proposed direction involves legislative amendments, new legislation or regulations. If another ministry's legislation will be affected by the proposal, indicate the statutes requiring parallel or consequential amendments. Generally, legislative drafting does not begin until after a Cabinet submission has been approved by Cabinet.

## Communications

Every Cabinet submission must be accompanied by a detailed communications plan, normally appended to the Analysis and Policy Options section (see below). This section in the pro forma should provide a synopsis of the approach being proposed in the communications plan: the key messages that will be conveyed to the public or stakeholder groups as a result of the proposed decision; and the recommended announcement strategy (e.g., statement in the Legislature, etc). Ministries should indicate if someone other than the sponsoring Minister will be making the announcement.

Ministry Communications Directors, in consultation with Cabinet Office and Premier's Office communications staff, should be involved in the preparation of the detailed communications plan and in completing this section of the pro forma.

## Deputy Minister's Signature

The Deputy Minister's signature indicates that the Deputy Minister is satisfied with the accuracy and completeness of the previous sections, including the consultation record. The Deputy Minister's signature reflects the Deputy's accountability for the overall quality of the analysis and content of the submission. Where a submission is co-sponsored by more than one ministry, all sponsoring Deputy Ministers should sign.

## Recommendations

In drafting recommendations, keep in mind that this is the part of the Cabinet submission which summarizes the decision the sponsoring Ministry would like Cabinet to make. This section should form the basis of the Cabinet Policy Committee report, and ultimately, the permanent record of Cabinet's decision in the form of a **Cabinet Minute**. This is the only part of the Cabinet submission that "lives on" after the Cabinet discussion as the record of decisions. For this reason, the recommendations should be carefully drafted; they should be concise, numbered and presented in logical sequence. Recommendations should summarize the key policy decision points but should not be written as all-inclusive directions on all details, implementation instructions or legislative drafting instructions. One page should be the maximum length in almost all cases. Recommendations should outline wherever appropriate:

- whether approval is "in principle only", for consultation purposes, legislative changes, or

- approval to proceed directly to implementation
- the lead ministry with responsibility for the initiative/implementation
- the specific involvement of any other ministries
- any timing considerations for key steps
- any issues flowing from the recommendations which will be returning to Cabinet (e.g., recommendations following consultation)

The goal is to present recommendations clearly and concisely so that Ministers, reading only the recommendations, will be able to understand all critical aspects of the decision facing them.

Sponsoring ministries should work with Cabinet Office staff to draft the recommendations section prior to finalizing the Cabinet submission.

### **Minister's Signature**

The signature of the sponsoring Minister or Ministers is evidence of his or her corporate accountability for the content of the recommendations as well as the quality of the analysis.

## **Part II: Analysis and Policy Options**

There is no "standard form" for the analysis section of the Cabinet submission, and it can be printed on plain paper, but the following **suggested headings** would normally be included. This section should be no more than 15 pages and should be in a legible font.

### **Table of Contents**

In longer submissions, or submissions with several appendices, it is often useful to include a Table of Contents at the beginning.

### **Issue Statement**

Before Ministers can assess the recommendation or understand the options, it is essential that they have a clear understanding of the issue. The issue statement outlines the problem to be solved.

### **Background**

This section describes why the issue is a problem and why it is coming to Cabinet. It provides a context for the issue and options.

It includes information such as:

- events and their causes which lead up to the present situation
- past and current government policies and programs to deal with the issue

(Note: With regard to programs or policies of a previous government of a different political party, convention provides that an accurate summary may be made of previous policy but no direct quote or reference may be made to a Cabinet document or Minute of the previous government.)

- reports, task forces, committees which have dealt with this issue
- individuals, groups, organizations or institutions involved and their historical and present positions
- changes which have altered the context or situation from the past
- timing considerations
- intergovernmental issues or considerations
- regional aspects
- past promises, commitments, understandings which exist

### **Options to Address the Issue**

This section should outline the major options considered and the associated implications. Variations on a theme should be avoided as these generally do not reflect true options but rather operational considerations about how to implement the same option with varying levels of support. Only practical, realistic options which can be implemented should be included.

The task in selecting the options is to strike a balance between the need to provide Ministers with a thorough review of the range of choices and the need to keep the material brief and manageable. Usually, three or four options are adequate.

When describing an option, consider:

- what specific policy change is proposed?
- how and over what time frame will the policy change be implemented?
- what are the multi-year costs in current dollars until the initiative is completed or matures on an annual basis? (Include a breakdown of the operating, capital and workforce costs).

State the implications, both positive and negative, of each option by considering questions such as:



- How does each option specifically address the stated issue? Will it fully address the issue or are future pressures anticipated?
- Will the option establish any policy, funding or legal precedents? Are legislation or regulations required?
- Will proceeding with the option affect existing policies or programs and if so, how?
- Who are the major stakeholders and what are the implications of each option for them? What external consultation has occurred for each option?
- What is the anticipated reaction of the general public to each option? Have public opinion polls been conducted indicating the public's views on the subject?
- What are the major implications for the policies and programs of other ministries, both negative and positive?
- What are the implications for other jurisdictions? How do comparable jurisdictions deal with this issue?

When assessing the pros and cons of a particular option, it is often helpful to identify the criteria used to assess the options. Criteria could include the effectiveness of the option in addressing the issue, the economic cost/benefit, environmental cost/benefit, equity impact, operational issues, timing, public perception, jurisdictional issues, and other impacts. Where there are several options it is sometimes helpful to prepare a summary chart of the options in relation to the criteria.

## **Recommended Option**

Briefly outline which option is recommended and why.

## **Impacts of Recommended Approach**

This section should outline the impacts (including the aggregate impact of government policies), if any, of the recommended approach on:

- specific groups
- the justice system
- the Charter and/or other legal issues
- government priorities
- economic factors
- the environment
- health considerations
- fiscal requirements
- government operations

**(a) Specific Groups**

While many proposals will have impacts on all Ontarians, some proposals may have special or disproportionate impacts (either positive or negative) on specific groups, such as:

- women
- persons with disabilities
- francophones
- visible minorities and race relations
- aboriginal persons and/or aboriginal self-government
- seniors
- youth
- economic sectors (e.g. mining, tourism, cultural industries)
- employers
- small or large businesses
- consumers
- labour
- geographic regions (e.g. Northern Ontario)
- other governments (federal, provincial/territorial) or Ontario's intergovernmental priorities
- municipalities

Where proposals will have special impacts on specific groups, ministries whose client groups include the specific group should be advised (e.g., OWD, ONAS, CIT, OFA). The submission should identify the specific group(s) that may be affected, how they would be affected, and whether consultation with the group(s) has taken place.

In trying to determine whether aboriginal persons and/or aboriginal self-government would be affected by a proposal, it should be remembered that Ontario has entered into the Statement of Political Relationship (SPR) with the Chiefs of Ontario. The SPR commits the province to work with First Nations on a government to government basis, involving the federal government where appropriate, toward "the further articulation, the exercise and implementation of the inherent right to self-government within the Canadian constitutional framework". The possible impacts of proposals should be examined in that context.

**(b) The Justice System**

In the Askov case, the Supreme Court of Canada decided that criminal offenses must be tried within a reasonable time, and tens of thousands of charges were dismissed due to excessive delays. To prevent backlogs and to enable the justice system as a whole to be managed, it is important to anticipate whether new policy or program proposals will create demands on some component of the justice system (i.e., policing, courts and correctional institutions). This will permit resources to be properly allocated to meet the new demands.

The Cabinet submission should state whether the proposal will have an impact on the justice system, and if so, what the impact will be. If the initiative involves the increased use of any of the following, it will likely have an impact on the justice system:

- charges and/or sanctions
- courts
- Crown Attorneys
- provincial prosecutors

New offences or increased enforcement of charges and sanctions will often result in increased use of the police, both in enforcement and as witnesses. It will also require more court time, prosecutorial resources, and may increase the number of people being incarcerated or put on probation, placing pressure on the provincial correctional system. These impacts should be identified in the submission. The submission should also indicate why the particular enforcement mechanism was chosen, and what other approaches (e.g., alternative dispute mechanisms) were considered.

**(c) The Charter and Other Legal Issues**

The primary responsibility for identifying and analyzing Charter and other legal issues lies with the Ministry bringing forward the submission. Accordingly, all policy proposals should be considered by Ministry legal staff to determine if there are possible Charter or legal issues.

If the proposal involves possible Charter or constitutional issues, the Ministry of the Attorney General's Constitutional Law Branch should be advised. In all cases, the submission should outline any legal issues, provide an analysis and assessment of legal risks, and summarize the conclusions of any legal opinions.

**(d) Connection with Government Priorities**

Cabinet has set certain priorities, often referred to as "strategic priorities". The submission should outline the links, if any, between the proposal and the relevant government priority, and indicate possible impacts on government priorities generally.

**(e) Economic Impact**

Ministries should consult with the Office of Economic Policy, Ministry of Finance, on the economic aspects of submissions as they are developed. The submission should set out the policy basis of the proposals in the context of the government's overall economic policy agenda. The submission should indicate whether the proposed policy or program will have an impact on the provincial economy, for example:

- job creation, job loss, income security
- labour adjustment
- infrastructure
- trade, within Canada or externally
- a region's or a community's economic development
- the sustainability of a community
- environmental sustainability
- an industrial sector's development

- labour relations
- distribution of economic activity, benefits or costs among key stakeholders
- investment
- innovation and technology

The submission should be explicitly connected to the Government's stated economic objectives and it should relate costs to the economic benefits expected. Linkages to other policies or programs should be made clear.

**(f) Environmental Impact**

The submission should consider what impact the proposal will have on the environment, and whether it will promote environmental sustainability. Ministries which are required under the Environmental Bill of Rights to develop Statements of Environmental Values (SEVs) should comment on how the proposal supports their SEV.

**(g) Health Considerations**

The submission should consider the impact of the proposal on the key social and economic determinants of health which have been identified by the Premier's Council on Health, Well-being and Social Justice and endorsed in the Government's health goals.

**(h) Fiscal Impact**

The fiscal impact of proposals is a critical factor which cannot be considered in isolation from the policy aspects of the proposals. Ministries should consult with the Ministry of Finance (Treasury Board Division) on the fiscal aspects of the submissions as they are developed.

The fiscal analysis should include:

- anticipated costs
- possible offsets
- any anticipated net revenue generation
- financial contributions from other sources
- impacts on other parties, including the broader public sector and municipalities

Since almost any initiative requiring additional funds represents a cost to the public in some way, it is useful to indicate where the impact will be (e.g., as taxpayer, as fee payer, as transfer recipient, as municipal taxpayer, etc). Viable lower-cost and no-cost policy options should be included. The Cabinet submission does not need to include the amount of detail that will be in the Treasury Board submission, but should include sufficient information for ministers to understand the fiscal implications of the policy options being proposed.

**(i) Impact on Government Operations and the Public Service**

The Cabinet Submission should state whether the proposal will have an impact on the public service or the operations of government, and if so, outline the scope of the impact. If the initiative involves any of the following areas, it will likely have an impact on the public service or government operations:



- workforce management e.g., compensation (including pensions), occupational health & safety, workforce planning, vacancy management, training and adjustment, etc.
- labour relations management in the OPS and the BPS
- information technology
- management or administrative policies
- corporate employment equity policies or practices
- agencies, boards or commissions
- program size, shape and delivery structure
- accommodation

Ministries should consult with Management Board Secretariat (MBS) regarding such implications.

Although specific accommodation requests are considered by TB after policy approval has been given, ministries should consult with MBS staff regarding potential impacts the requests will have on the strategic management of government accommodation.

## **Evaluation**

This section should outline the measures to be taken to evaluate the effectiveness of the proposed policy, and should state the indicators of success.

This is particularly important if what is being recommended is a pilot project. The timeframe for conducting the evaluation and reporting back should also be included.

## **Communications Strategy**

The body of the submission should include a "communications strategy", which is a two or three page summary of the communications plan. (The plan usually contains too much detail for discussion at Cabinet, but should be attached as an appendix to the submission). The strategy sets out the communications needs, identifies any contentious issues, and determines how to deal with these issues and get the key messages across. It should also explain how the strategy supports the government's corporate communications direction.

The strategy should include the following elements:

### **(a) Background**

A one-paragraph explanation of the initiative that puts the communications plan in context.

### **(b) Public Environment**

The section of the submission dealing with impacts of the recommended approach should identify any special or disproportionate impacts on specific groups. These groups should also be identified in the communications strategy, and ranked according to their importance.

A brief analysis of how these groups, the media, other stakeholders, and the broader public are likely to respond to the policy initiative should be included. Consideration should be given to the value of backing this analysis with qualitative or quantitative research, (e.g., using available market research, or conducting focus groups or quantitative research). Cabinet Office communications staff should be consulted if such work is to be undertaken.

**(c) Issues Management**

Contentious issues and downsides should be flagged, and recommendations provided on how these issues can be managed.

**(d) Strategic Objectives and Links to the Corporate Agenda**

The strategy should develop broad objectives that are focused and brief. A key objective should be to reinforce strategic corporate messages, i.e., explain how the initiative can be linked to corporate goals such as job creation, economic renewal, preserving services, etc. If the recommendations do not link the initiative to the broader goals/context, the strategy should explain why.

**(e) Strategic Approach**

Outline the approaches that will be used to meet the strategic objectives identified above, and to communicate the government's message. One or more of the following approaches could be used:

- media relations
- advertising
- consultation
- consultations with bargaining agents
- public access (including access for persons with communications difficulties)
- inter-ministry partnership and coordination
- stakeholder support and participation
- ongoing opportunities
- ethno-cultural communications, community relations
- timing/phases/duration of communications
- rural/regional requirements
- tone of announcement
- French language requirements (for province-wide communications or communications in designated areas)

**(f) Strategic Messages**

This section should focus on **primary messages**. Include those which link the initiative to the broader policy goals and/or which support appropriate corporate messages. (While it may be necessary to meet specific program needs, it is also important to remain focused).

**(g) Target Audiences**

The strategy should identify target audiences. Be specific, i.e., list major stakeholder groupings (both internal and external) and primary and secondary target audiences.

**(h) Communications Tactics/Vehicles**

This section should cover the roll-out (press conferences, news releases, timing issues, etc.), as well as longer-term communications opportunities which are needed to sustain the message. It should also indicate when each vehicle will be used and for how long.

**(i) Budget**

A rough estimate of the cost of executing the strategy should be included.

**(j) Evaluation**

A plan to assess the effectiveness of the strategy should be developed. This may include an analysis of media coverage, ministerial correspondence, nature and number of enquiries, market research, etc.

**Part III: Appendices**

If a sponsoring Ministry wishes to include additional material that is relevant to the key issue (e.g., details on other jurisdictions' approaches to the issue, proposed language of an agreement, etc.), it may be appropriate to include this material in an appendix. If the issue is highly technical or complex, it may be useful to define technical terms in plain language the first time they appear in the text, include a glossary of terms in an appendix, and keep any detailed technical discussion to the appendices.

As discussed above, the full communications plan should be included as an appendix to the submission. The communications plan defines or determines the communications requirements and recommendations which ensure the successful implementation of a policy initiative. The plan includes all of the elements of the strategy, but in greater detail. The plan should situate the proposed initiative in the broader context, address receptivity and potential pitfalls, and recommend communication messages and tactics. The plan should be developed by Ministry communications branches, in consultation with Cabinet Office communications staff. Early consultation with Cabinet Office will facilitate a more focused discussion of communications issues as the submission proceeds through the Cabinet decision-making process.

## C. PREPARING FOR CABINET COMMITTEE MEETINGS

### Getting on the Agenda - How to Schedule an Item for a Cabinet Policy Committee

Cabinet Office staff for each policy committee maintain an ongoing list of **Future Items** that ministries will be bringing forward to a future policy committee agenda. Normally, these lists are distributed to ministers and ministries.

Ministry staff should advise Cabinet Office staff of items that their Ministry will be bringing forward so that these items can be prioritized and noted as possible agenda items on the Future List. Adequate notice must be provided (usually 4 weeks, to accommodate the 2-week circulation rule and prior interministerial consultation). If the agenda is too crowded to accommodate all the items, agenda time will be allocated based on the relative priority of the item. Alternative scheduling options include:

- deferring items to a later meeting
- extending the time of the Policy Committee meeting, subject to members' availability
- in exceptional cases where urgent matters are involved, arranging a special meeting of the Policy Committee, subject to members' availability

Once the agenda has been set for an upcoming meeting, **Cabinet Policy Committee Agendas** and supporting material for the meeting (Cabinet submissions) are delivered to member ministries approximately 10 days before the meeting.

### Deadlines for Submitting Material for Cabinet Policy Committees

All material for discussion at Cabinet Policy Committees must be submitted to Cabinet Office (Executive Council Office, Room 4440, Whitney Block), in final form, signed by the Minister and Deputy Minister, by 5 p.m. 2 weeks prior to a Cabinet Committee meeting. Draft material should be sent to the relevant Cabinet Office policy advisor for comments prior to finalizing the submission. The supporting Ministry should provide 45 copies (double-sided and three-hole punched) of all materials. The original of the signed material should also be included for Executive Council records. Cabinet Office then distributes copies of the submission, along with the meeting agenda, to committee member ministries and other affected ministries. **Items must be received two weeks in advance or they will not be included on the agenda.**

### Making the Presentation

Normally, a sponsoring Ministry will be allocated a total of 15-30 minutes for an item at Policy Committee. This is the **total** time allocated for both the Ministry's presentation and discussion and questions by the Committee. Generally, depending on the complexity of the issue, presentations should be between 5 and 10 minutes, and may include the use of presentation materials such as overheads or handouts. Ministries should focus on the strategic aspects of their proposals. Cabinet Office staff can provide advice and assistance in planning the presentation and materials.



## **Documenting the Decision - Preparing Reports and Minutes**

Prior to the Cabinet Committee meeting, the sponsoring Ministry should have a clear statement of the decision being sought and the recommendations being put forward in the Cabinet submission document. Cabinet Office staff will often work with the sponsoring ministry prior to the meeting on the language of the recommendations in the Cabinet submission, which will form the basis of the draft report. The draft report is then modified after the meeting (often in consultation with the appropriate ministry), in accordance with the discussions and recommendations made by the Cabinet Committee. The draft is then submitted to the Committee Chair for review. The Chair has the final authority on the wording of all Cabinet Committee reports.

The Cabinet Policy Committee report then goes to Policy and Priorities Board of Cabinet, which in turn reports to Cabinet. Once full Cabinet has approved an item, the decision is recorded in the **Cabinet Minute**, which is developed from the original Cabinet submission recommendation and Cabinet Committee report.

## **Confidentiality of Cabinet Discussions and Material**

The contents of Cabinet submissions or any documents which provide advice or recommendations to Cabinet committees are strictly confidential. While staff may consult community members or outside parties during the policy development process, and may even involve them in formulating certain proposals, the actual policy recommendations are "advice given to Cabinet" by individual Ministers. For this reason, staff working in partnership with outside parties to develop policy proposals should maintain a clear separation between this consultative process and the preparation of advice to Cabinet which must be done within government and in a confidential manner.

Confidentiality requirements also apply to all discussions and decisions at Cabinet or its committees. These requirements are essential to ensure free discussion and informed decision-making at Cabinet meetings. Comments made or views expressed at Cabinet or Cabinet committee meetings should not be repeated. Decisions of Cabinet should only be made public through authorized means. For example, Cabinet may authorize public announcements or statements by designated spokespersons, usually as part of an approved communications plan.

## **Debriefings on Cabinet decisions**

On the Friday following regular Policy Committee meetings, Cabinet Office policy staff hold debriefing meetings for Ministry staff for the purpose of providing updates on the decisions of Cabinet Committees and related decisions of P&P and Cabinet. All policy directors or their designates are invited.

## **Approval Process After Cabinet Policy Committee**

Items from policy committees are normally reported to Policy and Priorities Board of Cabinet for review and approval prior to receiving Cabinet approval. Cabinet Office staff will forward the policy committee report on a Ministry's item to staff of Policy and Priorities Board for scheduling with a recommendation regarding the priority and timing for the P&P agenda. However, final decisions

on scheduling are made jointly by Cabinet Office and Premier's Office staff and the Chair of P & P. Sponsoring ministries should consult with their Cabinet Office advisors for information on the scheduling of their items on P&P.

Once an item has been scheduled for P&P review, Cabinet Office staff will advise Ministry staff of the material to be sent to Cabinet Office for the P&P meeting. 35 copies of the Cabinet submission are required for P&P and should be delivered to the Executive Council Office, Room 4440, Whitney Block, by 3:00 p.m. on the Thursday before a Monday P&P meeting.

In some circumstances the Cabinet submission is also distributed to Ministers in their Cabinet books. Where a submission is being included in the Cabinet books, 45 **additional** copies of the relevant material must be provided to the Executive Council Office, Room 4440, Whitney Block by noon on the Friday before a Wednesday Cabinet meeting. Cabinet Office staff will advise ministries of the material required for Cabinet. In some cases, this will include the Cabinet submission and presentation material (provided by the ministry). In other cases, only the P&P report (provided by Cabinet Office staff) will be required for Cabinet.

Where an item has unbudgeted in-year financial implications, it will normally be forwarded to Treasury Board for review after the Cabinet Committee discussion and prior to proceeding to P&P. Cabinet Office staff will notify Treasury Board staff of the need for scheduling. Sponsoring ministries should follow up with their Treasury Board analysts to confirm scheduling on the Treasury Board agenda.



**APPENDIX I - CABINET SUBMISSION STANDARD FORM ("PRO FORMA")**







# Cabinet Submission

Revision of Submission dated

Date

**Title of Submission**

**Ministry**





# Cabinet Submission Proposal and Recommendation

Revision of Submission dated

Date

Page 1 of 3

1. Key Issue

2. Background

3. Proposed Direction

4. Expected Impact

5. Alternatives Considered

6. Assumptions







# Cabinet Submission Proposal and Recommendation

Revision of Submission dated

Date

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## 7. Related Concerns

8. Financial Implications (\$000)	Current Year	Year 2	Year 3	Fully Mature Cost
Total Cost ▶				
Operating ▶				
Capital ▶				
Available Expenditure Offset ▶				
Net Impact on Ministry Allocation				
Revenue/Cost Sharing				
Workforce Implications (full time equivalents)				

## 9. Consultation Record (Y-Consulted and satisfied/N-Consulted and significant concerns unresolved)

### Ministries

<input type="checkbox"/>	AGF	<input type="checkbox"/>	CSS	<input type="checkbox"/>	MET	<input type="checkbox"/>	MOH	<input type="checkbox"/>	MBS	<input type="checkbox"/>	NDM	<input type="checkbox"/>	TB
<input type="checkbox"/>	AG	<input type="checkbox"/>	CCR	<input type="checkbox"/>	E&E	<input type="checkbox"/>	HOU	<input type="checkbox"/>	MUN	<input type="checkbox"/>	P.O.	<input type="checkbox"/>	OWD
<input type="checkbox"/>	C.O.	<input type="checkbox"/>	CTR	<input type="checkbox"/>	FIN	<input type="checkbox"/>	MIA	<input type="checkbox"/>	NAS	<input type="checkbox"/>	SGC	<input type="checkbox"/>	
<input type="checkbox"/>	CIT	<input type="checkbox"/>	EDT	<input type="checkbox"/>	OFA	<input type="checkbox"/>	LAB	<input type="checkbox"/>	MNR	<input type="checkbox"/>	MTO	<input type="checkbox"/>	

### Unresolved Concerns

10. Legislation/Regulation required (check one)	Statute	Other Statutes affected
<input type="checkbox"/> No <input type="checkbox"/> New <input type="checkbox"/> Amendment		

## 11. Communications Decision message

Decision announcement

Deputy Minister's Signature ▶





# Cabinet Submission Proposal and Recommendation

Revision of Submission dated	
Date	Page 3 of 3

## 12. Recommendations

IT IS RECOMMENDED THAT

Minister's Signature ►





## APPENDIX II - HOW TO OUTLINE FINANCIAL IMPLICATIONS ON PRO FORMA

The key financial information should be presented in the tabular format set out on page 2 of the pro forma section of the submission, which has been reproduced below.

8. Financial Implications (\$000)	Current Year	Year 2	Year 3	Fully Mature Cost
Total Cost ▶				
Operating ▶				
Capital ▶				
Available Expenditure Offset ▶				
Net Impact on Ministry Allocation				
Revenue/Cost Sharing				
Workforce Implications (full time equivalents)				

Explanations of each of the components of the section are set out below. It is important not to record incremental information, but rather to record total information.

### Current Year

Fill in the correct **fiscal year** information in year/year format, for example, 1993/94.

The current year column for in-year requests should reflect the funding and/or workforce required for the remainder of the fiscal year. If the information to be recorded is the same for more than one column (e.g., year 2, year 3 and fully mature cost) record it in the appropriate column (e.g. fully mature cost) and indicate that the information is the same.

### Year 2

Identify the relevant information for **fiscal year 2**. For in-year requests, year 2 typically represents the full annualized implications.

### Year 3

Identify the relevant information for **fiscal year 3**.

### Fully Mature Cost

Fill in the correct **fiscal year** information in year/year format, for example, 1998/99. The mature cost is not the cumulative total; it is the annualized cost related to full implementation.

### Total Cost

It is important to fill in how much the policy proposal will cost. This must include both operating costs and capital.

### Operating Costs

Identify the total operating costs, including accommodation, salaries and wages.

### Capital Costs

Identify the total capital costs including capital salaries and wages.

### Available Expenditure Offset

Identify available expenditure offsets to be considered for the proposal.

### Net Impact on Ministry Allocation

Identify the net impact the proposal will have on the Ministry's allocation. This is calculated as total cost minus available offset.

### Revenue/Cost Sharing

Identify the estimated amount which will flow into the Consolidated Revenue Fund (CRF) as a result of the proposal.

### Workforce Implications

Identify the number of "full-time equivalents" (person years) represented by the salaries and wages required for the request.

## APPENDIX III - CABINET GOVERNMENT: ROLES AND RESPONSIBILITIES

### Cabinet

Ministers are appointed to the Executive Council of Ontario by the Lieutenant Governor, on the recommendation of the Premier. The legislative authority for such appointments is provided by the Executive Council Act which also authorizes the transfer of powers and duties between Ministers.

The Cabinet consists of the Premier and all the other Ministers with portfolio. As members of Cabinet, Ministers must support two important principles which are included in the Oath for a member of the Executive Council:

- the first is the doctrine of **collective responsibility** (evidenced by Cabinet solidarity) which holds that Cabinet is responsible collectively for government policy and therefore that Cabinet Ministers must publicly support decisions taken by Cabinet. While collective responsibility protects Cabinet decision-making, it can act as a restraint on individual Ministers, particularly in situations where the personal or professional beliefs of a Minister differ from the collective decision of Cabinet;
- the second principle is that of **confidentiality** which protects discussions in Cabinet from public disclosure, except where a public statement is expressly authorized.

As a member of the Executive Council, a Cabinet Minister may make recommendations to the Lieutenant Governor in Council for executive action in accordance with legislation and in accordance with the prerogatives of the Crown. These decisions are recorded in formal documents known as Orders in Council and Regulations. Ministers also have another role -- collectively, as members of the Cabinet, they establish government policy and priorities. These decisions are recorded in **Cabinet Minutes**.

### Ministers

In our parliamentary system Ministers play several roles.

- Collectively, Ministers, as members of Cabinet, are called upon to play a "corporate" role and support the policies and priorities of the Premier and the government. In this capacity, Ministers participate in setting broad government direction. As Ministers, they also play an advocacy role, as proponents of their particular ministry's issues. Ministers must balance these two roles.
- In the Legislature, Ministers function both as parliamentarians and as Ministers of the Crown who must be prepared to explain, defend and support government policy.
- As political heads of ministries, Ministers are responsible for setting the policy direction for their ministry, including the submission of policy proposals to the Cabinet system; for acting as the official representatives of government on all matters pertaining to their portfolios;

and for fulfilling the obligations of the portfolio including presenting and defending the ministry's estimates before the Legislative Assembly and its Committees.

- as MPP's, Ministers are elected representatives responsible for responding to the needs and demands of their constituents.

With these multiple roles and responsibilities, there are many demands on Ministers' time.

## **Principal Secretary**

The Principal Secretary is a member of the Premier's personal staff and is the most senior official within the Premier's Office. The Principal Secretary is the Premier's political strategist and advisor. Specifically, the Principal Secretary,

- is responsible for the management of the Premier's Office
- ensures liaison with the Secretary of Cabinet
- liaises with Ministers and Ministers' advisors
- provides political advice to the Premier

## **Secretary of Cabinet**

The Secretary of Cabinet oversees the operation of the public service on behalf of the Premier. The Cabinet Secretary is the most senior public servant in the province. Specifically, the Secretary,

- manages the performance of each Deputy Minister on behalf of the Premier
- acts as a bridge between the Premier and the bureaucracy
- provides advice to the Premier, Ministers, and Deputy Ministers

## **Deputy Secretary of Cabinet**

As the head of Cabinet Office, the Deputy Secretary of Cabinet is responsible for the Cabinet decision-making process and provides advice on the policy agenda of the government. Specifically, the Deputy Secretary,

- is responsible for setting up and managing the Cabinet decision-making process
- provides advice to the Premier and Cabinet on setting the government's strategic priorities
- provides advice to the Premier on policy issues and communicates with Ministers, Deputy Ministers and other staff to ensure appropriate implementation of Cabinet policy decisions

## **Deputy Ministers**

While Ministers are the political heads of ministries, Deputy Ministers are the administrative heads. Deputy Ministers are appointed by the Premier through an Order in Council. As administrative heads, Deputy Ministers are responsible for:

- implementing the policies of government and delivering programs both efficiently and effectively
- managing the people, programs and budget of the ministry
- ensuring that hiring practices are fair and equitable and that employment equity goals are met
- providing advice and support to their Ministers on matters relating to the operations and policies of their ministries
- advising Ministers and the Premier of the human and financial resources needed to implement specific programs or policies, and of the policy implications of proposed actions

## **Premier's Office**

The main objective of the Premier's Office is to serve the Premier. Its structure, function and mandate depend to a large degree on the wishes of the Premier.

In general, the Premier's Office provides political advice, while Cabinet Office is responsible for corporate policy advice and operational support and is staffed by civil servants. There is a close working relationship between the Premier's Office and Cabinet Office to ensure that the Premier receives the complete range of information and advice, and that the two offices provide consistent direction to ministries.

## **Cabinet Office**

Cabinet Office provides support to the Premier, the Premier's Office, Cabinet and its committees. Its main function is to ensure that the Premier, the Secretary of Cabinet and Cabinet Ministers receive high quality policy advice which will help Ministers make good decisions, and which support the government's corporate objectives. Cabinet office staff:

- assist in developing the government's policy, legislative, and fiscal priorities and provide advice on specific policy proposals
- assist ministries in developing policy proposals and submissions to meet government priorities
- support Cabinet and its Committees and coordinate policy and process matters flowing from Cabinet
- provide support to the Premier including human resource, technology, administrative and financial management, and correspondence
- administer the processes for Orders in Council, regulations, petitions to Cabinet, liaison with the Office of the Lieutenant Governor



## **APPENDIX IV - HOW TO SUBMIT PROPOSED LEGISLATION AND REGULATIONS**

### **(A) Submitting Proposed Legislation**

#### **Government's Legislative Agenda**

Usually, in advance of each sitting of the Legislature, the Cabinet Office issues a request to ministries to list the legislation they are proposing for the sitting. Occasionally, ministries may be asked to identify their legislative requirements for two or more sittings. Items identified by this exercise are then prioritized to ensure they conform with the government's previously determined strategic priorities and the time available for debate in the House. The government's approved legislative agenda for the sitting is then used for purposes of scheduling draft legislation on the Cabinet Committee on Legislation/Regulations ("Leg and Regs").

#### **Prior approval of policy and expenditure**

Prior to submitting draft legislation for review by Leg and Regs and Cabinet, ministries should ensure the following:

- that the policy in the bill has been reviewed by the Cabinet policy committee process and approved by Cabinet;
- that any financial/public service/operational implications have been reviewed by Treasury Board and/or Management Board, as appropriate; and
- that consultation by the Minister's Office has occurred with the Office of the Government House Leader with respect to a planned introduction date and ongoing liaison with Caucus.

#### **Legislative Counsel**

The ministry, through its legal branch, should submit drafting instructions to the Office of Legislative Counsel based on the policy approved by Cabinet. Legislative Counsel will then work with the ministry to produce the final version of the draft legislation for submission to Leg and Regs.

#### **Documentation Required for the Cabinet Committee on Legislation/Regulations**

- Submit **25 copies** of the final draft bill (including one signed by the minister) together with **25 copies** of the draft compendium to the bill to:

Secretary  
Cabinet Committee on Legislation/Regulations  
Room 4440, 4th floor, Whitney Block

This material should be submitted at least one week prior to the meeting for which it is scheduled; at the latest by 4 p.m. on the Tuesday prior to a Monday or Tuesday meeting of the Committee. Scheduling should be confirmed with the Committee Secretary in advance.

### **Cabinet Committee on Legislation/Regulations**

- reviews the draft bill to ensure that it reflects the policy approved by Cabinet and is technically correct; and
- makes recommendations to Cabinet.

### **Cabinet**

- approves draft bills for introduction into the House.

### **Introduction into the House**

The ministry, through its legal branch, advises the Office of Legislative Counsel of the introduction date for the bill. Legislative counsel produces the official first reading copy. The Office of the Government House Leader may provide instructions, for example, regarding timing, and the Standing Orders of the Legislative Assembly set out the rules and procedures in the House.

### **(B) Submitting Proposed Regulations**

Prior to submitting proposed regulations to the Cabinet Committee on Legislation/Regulations ("Leg and Regs") and Cabinet, ministries should ensure the following has taken place:

- Consultation with both ministry and Cabinet Office policy staff to determine whether the regulation represents new policy or a significant change from existing policy. If a regulation represents new policy or a significant change from existing policy, the policy in the regulation must first be reviewed by the Cabinet policy committee and approved by Cabinet.
- Consultation with Treasury Board/ Management Board (if the regulation has financial/public service/operations implications). If so, the regulation may require approval by Treasury Board and/or Management Board.

### **Legislative Counsel**

The ministry, through its legal branch, should work with the Office of Legislative Counsel. Legislative Counsel will produce a sealed original of the regulation ("black corner") for signature by the Minister.

## Documentation Required for Legislation/Regulations Committee

- Submit the **black-cornered original** <sup>1</sup> signed by the Minister together with **20 copies** of a completed "Information Sheet for Regulations" attached to **20 copies** of the draft regulation to:

Secretary  
Cabinet Committee on Legislation/Regulations  
Room 4440, 4th floor, Whitney Block

Material should be submitted at least one week prior to the meeting for which it is scheduled; at the latest, by 4 p.m. on the Tuesday prior to a Monday or Tuesday meeting of the Committee. Scheduling should be confirmed with the Committee Secretary in advance.

## Cabinet Committee on Legislation/Regulations

- reviews the regulation to ensure consistency with approved policy (where Cabinet has approved the policy in the regulation) and is technically correct; and
- makes recommendations to Cabinet.

## Cabinet

- approves draft regulations.

## Approval/Distribution and Filing of Regulations

- Following approval by Cabinet, the Chair of Cabinet signs the black-cornered original and Cabinet Office (the Executive Council Office) dates, numbers and presents it to the Lieutenant Governor for signature.
- The Executive Council Office retains this signed original, attaching certificates to two xeroxed copies for purposes of filing with the Registrar of Regulations.
- The ministry is responsible for filing the two certified copies with the Registrar of Regulations (3rd floor, Whitney Block, Room 3603, between 8:30 a.m. and 4:45 p.m.). Regulations do not take effect until they are filed.
- The Registrar ensures publication in the Ontario Gazette.

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<sup>1</sup> **Note:** Where Treasury Board/Management Board review is required, the black-cornered original should be omitted from the package submitted to Leg and Regs and, instead, forwarded to the appropriate Board along with other required information. If Treasury Board/Management Board recommends the regulation, officials will date and sign the back of the black-cornered original and forward it to Cabinet Office for Leg and Regs Committee and Cabinet.















